

**LIBELED:** 1-10-62, W. Dist. Tenn.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 3-23-62. Consent—claimed by M. E. Carter & Co., 55-bag lot relabeled for peanut seed; 33-bag lot, segregated; 115 lbs. destroyed.

**27990. Shelled pecans.** (F.D.C. No. 46019. S. Nos. 24-407/8 R, 39-197 R, 49-363/4 R, 67-461 R, 18-489 T.)

**INFORMATION FILED:** 12-29-61, N. Dist. Tex., against Johnnie Ferrantello, t/a Texas Nut Co., Dallas, Tex.

**SHIPPED:** Between 11-11-60 and 11-27-61, from Texas to Arkansas, New Mexico, and Oklahoma.

**LABEL IN PART:** (Pkg.) "WUNDER PAK PECANS ONE FULL POUND [or "Net Wt. 3 Oz."] TEXAS NUT COMPANY, DALLAS, TEXAS," "SIGN POST BRAND PECANS NET WT. 6 OZ. [or "NET WT. 12 OZ."] DISTRIBUTED BY THE FARMER COMPANY POST OFFICE BOX 13666 DALLAS 24, TEXAS," "WUNDER PAK PECANS NET WT. 6 OZ. GEO. WUNDERLICK CO., INC., DALLAS HOUSTON AMARILLO."

**CHARGE:** 402(a)(3)—contained *E. coli*, a microorganism indicative of fecal contamination; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Nolo contendere.

**DISPOSITION:** 2-3-62. \$525 fine.

**27991. Shelled pecans.** (F.D.C. No. 46943. S. No. 13-644 T.)

**QUANTITY:** 10 30-lb. boxes, at Chicago, Ill., in possession of Ace Pecan Co.

**SHIPPED:** 12-5-61, from Canton, Miss.

**RESULTS OF INVESTIGATION:** Article shipped in bulk and repacked by the dealer into boxes as described above.

**LIBELED:** 1-25-62, N. Dist. Ill.

**CHARGE:** 402(a)(3)—while held for sale, contained *E. coli*; 402(a)(4)—prepared and packed under insanitary conditions; and 403(e)(1)—the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** 3-5-62. Consent—claimed by Ace Pecan Co., and reconditioned to be brought into compliance with the law.

**27992. Peanut butter.** (F.D.C. No. 47266. S. No. 18-092 T.)

**QUANTITY:** 205 cases, 12 jars each, at Houston, Tex.

**SHIPPED:** 10-14-61, from Chicago, Ill., by Swift & Co.

**LABEL IN PART:** (Jar) "Swift's Oz Peanut Butter 1 Lb. Net Wt. Contains \* \* \* Mfd. by Swift & Company, Gen. Off. Chicago, Ill." and (band of tape around each jar with ball point pen attached) "Free! Ball Point Pen."

**RESULTS OF INVESTIGATION:** Examination showed that the article bore labels on which the mandatory information was printed in black ink or white ink, with the information printed in black ink being in very small type on a poorly contrasting background, making it difficult to read. The opaque band of tape attaching the pen to the jar obscured the quantity of contents statement on both labels.

**LIBELED:** 3-28-62, S. Dist. Tex.

**CHARGE:** 403(f)—when shipped, the information required by (black and white ink) 403(e) (2), and (black ink) 403 (e) (1), and (i) (2), to appear on the label, namely, the quantity of contents statement, the manufacturer's name and place of business, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** 4-30-62. Consent—claimed by Swift & Co., and released under bond for relabeling.

**27993. Peanut butter.** (F.D.C. No. 46160. S. Nos. 81-962 R, 82-127 R.)

**QUANTITY:** 243 cases, 12 jars each, at Shreveport, La.

**SHIPPED:** 6-23-61 and 7-5-61, from Brundidge, Ala., by Brundidge Foods, Inc.,

**LABEL IN PART:** (Jar) "Plymouth Brand Net Wt. 1 Lb. 1 Oz. Easy Spread [or "Easy Spread Crunchy"] Peanut Butter \* \* \* Packed by Brundidge Foods, Inc., Brundidge, Ala. for exclusive sale in Piggly Wiggly Stores."

**RESULTS OF INVESTIGATION:** Examination showed the article to be short weight.

**LIBELED:** 8-2-61, W. Dist. La.

**CHARGE:** 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 9-8-61. Consent—claimed by Brundidge Foods, Inc., and relabeled.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**27994. Hexavitamin tablets.** (F.D.C. No. 45497. S. No. 3-420 R.)

**QUANTITY:** 40 100-tablet btls. at Washington, D.C., in possession of Babbitt Cut Rate Stores, Inc.

**SHIPPED:** On an unknown date, from Long Island City, N.Y.

**LABEL IN PART:** (Btl.) "Hexavitamin U.S.P. Each tablet contains: Vitamin A 5000 U.S.P. Units Vitamin D 400 U.S.P. Units Vitamin B<sub>1</sub> 2 mg. Vitamin B<sub>2</sub> 3 mg. Niacinamide 20 mg. Vitamin C 75 mg. As a dietary supplement \* \* \* Distributed by General Vitamin Corp. Washington, D.C."

**RESULTS OF INVESTIGATION:** The article was shipped in bulk and repacked and labeled by the dealer.

**LIBELED:** 2-27-61, Dist. Columbia.

**CHARGE:** 403(j)—while held for sale, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B<sub>1</sub>, C, D, riboflavin (vitamin B<sub>2</sub>) and niacin or niacinamide supplied by such food when consumed in a specified quantity during a period of one day.

The libel alleged also that certain other articles were misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6583.

**DISPOSITION:** 6-8-61. Consent—claimed by Babbitt Cut Rate Stores, Inc., and released for relabeling.